



621424 JWW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No. : 10/087,112  
Applicant : Fuqiang Jin et al.  
Filed : March 1, 2002  
TC/A.U. : 1600/1624  
Examiner : Thomas C. McKenzie  
Title : Method for the synthesis of 2',3'-dideoxy-2',3'-didehydronucleosides  
  
Docket No. : 08841.105031 (PHAR2001)  
Customer No. : 20786

Office of Petitions  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

January 19, 2005

**REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.183 AND  
REQUEST TO ACCEPT A SUBSTITUTE DECLARATION**

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Sir:


A Notice of Allowance was issued in the above application on July 28, 2004. In paragraph 2 of the statement of Reasons for Allowance, Applicants were requested to provide a substitute Declaration of Inventor Jin. The Examiner indicated that failure to file a substitute Declaration will result in Abandonment of the application.

On October 26, 2004, Applicants submitted a petition under 37 CFR 1.47(a) (treated as a petition under 1.183 to waive 37 CFR 1.63 and 1.67). On November 19, 2004, the Office of Petitions mailed a decision dismissing the petition on the grounds that diligence in locating a non-signing inventor is not shown when the inventor is temporarily unavailable due to being out

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this Correspondence, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

1-19/04  
Date

  
Susanne Hollinger

Appl. No. 10/087,112

Request for Reconsideration dated January 19, 2005

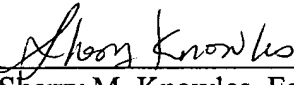
Response to Petition Decision dated November 19, 2004

of the country. The Office stated that any response may include a signed declaration executed by the inventor.

Applicants were since able to locate Dr. Jin and enclose a properly executed substitute declaration. The Office is asked to reconsider the petition and accept the enclosed signed declaration as fulfilling the requirement specified by the Examiner in the Notice of Allowance.

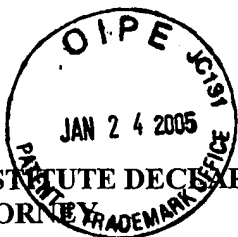
The Commissioner is authorized to charge any fees due with this request to Deposit Account 11-0980.

Respectfully submitted,

  
Sherry M. Knowles, Esq.  
Reg. No. 33,052

*w/express permission*  
*Susanne Hollinger*  
*Reg. 51,811*

KING & SPALDING LLP  
191 Peachtree Street, 45<sup>th</sup> Floor  
Atlanta, Georgia 30303-1763  
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## SUBSTITUTE DECLARATION FOR UTILITY PATENT APPLICATION AND POWER OF ATTORNEY

In re Application of: **Fuqiang Jin and Pasquale N. Confalone**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: "*Method for the Synthesis of 2',3'-Dideoxy-2',3'-Didehydronucleosides*" the specification of which was filed with the U.S. Patent and Trademark Office as U.S. Patent Application No. 10/087,112 on March 1, 2002.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
<u>None</u>			

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>60/272,441</u>	<u>March 1, 2001</u>	<u>60/272,434</u>	<u>March 1, 2001</u>
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

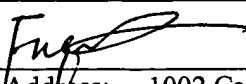
<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
<u>None</u>		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

POWER OF ATTORNEY: I hereby appoint the practitioners associated with Customer Number 20786 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Send correspondence to: Sherry M. Knowles  
Customer No. 20786  
**King & Spalding LLP**  
191 Peachtree Street, N.E., 45<sup>th</sup> Floor  
Atlanta, Georgia 30303

Direct telephone calls at (404) 572-4600  
Sherry M. Knowles

Full name of joint inventor: <b>Fuqiang Jin</b>	Citizenship: CN
Inventor's signature: 	Date: <b>Jan. 11, 2005</b>
Residence and Post Office Address: 1002 Canter Cir., New Hope, PA 18938-5817	